

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TERRANCE PRUDE,

Plaintiff,

v.

WILLIAM POLLARD, LIEUTENANT LARSEN,
TONI MELI, CAPTAIN RADTKE,
LIEUTENANT SABISH, TONI MOON
and INSTITUTION COMPLAINT
EXAMINER MUENCHOW,

Defendants.

ORDER

13-cv-512-bbc

Pro se plaintiff Terrance Prude is proceeding on claims that defendant prison officials retaliated against him for filing a grievance in which he accused a correctional officer of filing false conduct reports against prisoners. The preliminary pretrial conference in this case is scheduled for November 14, 2013. Plaintiff has filed a number of motions, including a motion for summary judgment. Now before the court is defendants' motion to stay briefing on the summary judgment motion or deny it. I will grant this motion, for two reasons.

First, plaintiff's motion for summary judgment does not comply with this court's procedures to be followed when briefing motions for summary judgment. Under those procedures, a party moving for summary judgment must submit proposed findings of fact, each of which must cite to attached admissible evidence. Plaintiff has not done this.

Second, it is not surprising that plaintiff failed to follow this court's procedures

because he has not received them yet. Plaintiff filed his motion for summary judgment before the November 14, 2013 preliminary pretrial conference, at which Magistrate Judge Stephen Crocker will provide the parties with information about how the court will proceed with the case. Plaintiff will receive a copy of the court's summary judgment procedures following that conference. One major focus of the preliminary pretrial conference is an overview of how the discovery phase of the proceedings will work. As defendants point out, they will need time to conduct discovery before they will be able to respond to a motion for summary judgment. Thus, even if plaintiff's motion had complied with the court's procedures, I would have to stay briefing in order to give defendants time to conduct discovery.

ORDER

IT IS ORDERED that the motion of defendants William Pollard, Lieutenant Larsen, Toni Meli, Captain Radtke, Lieutenant Sabish, Toni Moon and Institution Complaint Examiner Muenchow to stay briefing on plaintiff Terrance Prude's motion for summary judgment or deny it, dkt. #25, is GRANTED. Plaintiff's motion for summary judgment,

dkt. #13, is DENIED without prejudice, meaning that plaintiff may refile a motion that complies with the court's procedures after allowing defendants a reasonable time for discovery.

Entered this 14th day of November, 2013.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge